19 48.

File No. Boilers II/148

Legal DEPARTMENT

B BRANCH

DI 4161S

Subject:—

Rules and notifications under the Indian Boilers Act, 1923

P.S. (E1)

File No. Boilers D/48

Std. Sectt. Slip 24 B e.

169-B.

Office of the R.E.A.

Revised draft notification is sent sent herevith. The amendment requires previous publication under section 31(1) of the Indian Boilers Act, 1923.

O.O. 54/- P.M.Lad
24-2

Remembrancer of Legal Affairs.

U.R. to P. and S.D.No. 1675, dated the 24th February 1945.

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NOTIFICATION.

Political and Services Department,

Bombay Castle. February 1925.

Indian Boiler Act. 1923

No. :- The following draft of a notification which it is proposed to issue in exercise of the powers conferred by section 29 of the Indian Boilers Act, 1923(V of 1923), is published as required by sub-section (1) of section 31. of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the 1925.

2. Any objections or suggestions which may be received by the Chief Secretary to the Government of Bombay, Political and Services Department, from any person with respect to the said draft before the aforesaid date will be considered by Government.

Draft Notification.

No. :- In exercise of the powers conferred by section 29 of the Indian Boilers Act, 1923 (V of 1923), the Government of Bombay, is pleased to amend the Bombay Boiler Rules, 1924, published in Government Notification, General Department, No. 4667-II dated the 15th December 1924, as follows, namely:-

In rule 94 of the said rules, after the words "for the examination," the words "or when one or more such holidays intervene during the course of the examination" shall be inserted.

By order of the Governor of Bombay,

Chief Secretary to Government.

S.A.K

Office of the H.L.A.

It is proposed to issue a notification under rule 73 of the Bombay Boiler Rules, 1924, exempting the boiler belonging to the Orient Cannery Company, Ankola, and which is used for sterilising cans and canned products, from the provisions of the said rule 73.

2. The proviso to the said rule provides that the restrictions contained in this rule shall not apply to a boiler of such capacity and used for such purpose as may be specified by the Provincial Government by notification in the Bombay Government Gazette. The following two things must be clearly specified in the notification, namely-

(i) the capacity of the boiler; and

(ii) the purpose for which a boiler is used.

3 As regards (i), the word "boiler" has been defined in section 2(b) of the Indian Boilers Act, 1923, to mean "any closed vessel exceeding five gallons in capacity with which is used expressly for generating steam under pressure, etc." It is clear therefore that the capacity of a boiler under the proviso to rule 73 of the Bombay Boiler Rules should be expressed in terms of 'gallons'. The capacity of the boiler under consideration has been stated in the notification at page 15 to be of 115 rating. Political and Services Department should verify whether this technical term describes the capacity of a boiler in gallons.

4. As regards (ii), it must be observed that the purpose which the proviso to the rule contemplates must obviously be of a general

nature applicable to all boilers used for that purpose. The General Department Notifications No. 5196 , dated the 13th July 1925 and No. 5186, dated the 14th November 1925, illustrate the kind of general purposes which the proviso to the rule has in view. If exemption is to be granted to boilers used for sterilising cans and canned products, it will have to be extended to all boilers of similar capacity which are used anywhere for that purpose. As the proviso stands, it wouldnot be feasible to restrict the exemption to an isolated individual boiler belonging to a particular concern.

O.C. P.M.Lad
18-3

Remembrancer of Legal Affairs.

U.R. to P.& S.D.No. 2775, dated the 19th March 1948.

S.A.K.
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Office of the E.I.A.

No. exception in the case of an isolated individual boiler belonging to a particular company can be made under the proviso to rule 73 as it stands. If Government still wants to give such exemption because it was so given in the past the notification at 15 ante as amended is in order. It is not necessary to specify in the notification that the exemption will be for a specified period. It is sufficient if the Company is informed separately that the exemption will be withdrawn after a period of so many months.

O.C 84/- P.M.Lad
15-5

U.M. to Labour Deptt. No. 4705. dated the 17th May 1945.

S.A.K.
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Bombay Boiler Rules, 1924.

NOTIFICATION.

Labour Department.

Bombay Castle, May 1948.

No. 1857/46.- In exercise of the powers conferred by the proviso to Rule 73 of the Bombay Boiler Rules, 1924, the Government of Bombay is pleased to declare that the restrictions contained in the said rule shallnot apply to the boiler of 115 rating, belonging to the Oriental Cannery Company, Ankola, District, Kanara, and which is used for sterilising cans and canned products.

By order of the Governor of Bombay,

Secretary to Government.

S.A.K.
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